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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/869,188	12/30/2002	Bradbury Frank Golledge		2244

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EXAMINER	
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ART UNIT	PAPER NUMBER
3637	

DATE MAILED: 10/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/869,188	GOLLEDGE, BRADBURY FRANK	
	Examiner	Art Unit	
	Phi D A	3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 December 2002*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-23* is/are pending in the application.

4a) Of the above claim(s) *9 and 16* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8,10-15 and 17-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Claim Objections

1. Claims 9, 16 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend on another multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims 9, 16 have not been further treated on the merits.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the limitations of claims 13, 23 to " form a triangular/trapezoid..geometry" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified

and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1, 3, 14, 17, 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Per claims 1, 17 lines 3-4, the phrase "or the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Per claims 3 and 19, " is/are" is improper.

Per claim 14, " over bent flange stiffening elements" is indefinite as it is confusing.

5. Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: the relationship between the members which form the triangular framework geometry.

6. Claim 23 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural

cooperative relationships are: the relationship between the members which form the trapezoid framework geometry.

The claims are examined as best understood.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Dawson et al (1526463).

Dawson et al shows a trussed framing system (inherently could be used for a floor) including a plurality of elongate load bearing framework members which are supported by a building or foundation thereof (inherently so as the system has to be supported somewhere0, the members having at least two elongate structural members (28.5, figure 6) and at least one structural web member (22.5, figure 6) extending between the elongate structural members, the structural members having at least one web element (the part that extends into the opening of part 21.5, figure 6) which is substantially upright and at least one flange element which is perpendicular to the web element, the at least one web structural member having at least one web element (the part that forms the sides which mate with the web of the structural member) which is substantially upright and at least one flange element which is perpendicular to the web element

(the part that goes into the notch of the web of the structural member), the at least one web elements of the web structural member mate with the at least one web elements of the elongate structural members such that connection means can be applied at the mating locations.

9. Claims 1-2, 4, 7, 10, 11-12, 14, 17-18, 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Carns (1706996).

Dawson et al shows a beam framing system (inherently could be used for a floor) including a plurality of elongate load bearing framework members which are supported by a building or foundation thereof (inherently so as the system has to be supported somewhere), the members having at least two elongate structural members (17, 19) and at least one structural web member (12) extending between the elongate structural members, the structural members having at least one web element (figure 3) which is substantially upright and at least one flange element which is perpendicular to the web element, the at least one web structural member having at least one web/flange element (the part between opening 15, figure 3) which is substantially upright and at least one flange/web element which is perpendicular to the web/flange element (16), the at least one web/flange elements of the web structural member mate with the at least one web elements of the elongate structural members such that connection means can be applied at the mating locations, the structural members resembled an inverted top hat section with two said flange elements and two said web elements with a third web element (18) perpendicular to and adjoining the two web elements, the ends of the web elements of the elongate web members being notched (forming the opening at 15) such that the flange elements of the web members enclose the web elements of the elongate structural members, the longitudinal central axes of the elongate structural members and at least one of the structural web members being substantially

aligned, the structural web members being perpendicular to the elongate structural members, the structural members being substantially parallel, the flanges of the elongate structural members being extended and over bent flange stiffening elements.

10. Claims 17, 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Dawson et al (1526463).

Dawson et al shows a trussed framing system (inherently could be used for a floor) including a plurality of elongate load bearing framework members which are supported by a building or foundation thereof (inherently so as the system has to be supported somewhere0, the members having at least two elongate structural members (28.5, figure 6) and at least one structural web member (22.5, figure 6) extending between the elongate structural members, the structural members having at least one web element (the part that extends into the opening of part 21.5, figure 6) which is substantially upright and at least one flange element which is perpendicular to the web element, the at least one web structural member having at least one flange element (the part that forms the sides which mate with the web of the structural member) which is substantially upright and at least one web element which is perpendicular to the web element (the part that goes into the notch of the web of the structural member), the at least one flange elements of the web structural member mate with the at least one web elements of the elongate structural members such that connection means can be applied at the mating locations, the ends of the web elements of the elongate web members being notches such that the flange elements of the web members mate with the web elements of the elongate structural members.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

12. Claims 1-6, 8, 10-15, 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson (4878323) in view of Stromback (982545).

Nelson (figure 14) a floor framing system including a plurality of elongate load bearing framework members which are supported by the building or foundations thereof, the framework members having at least two elongate structural members (50), and at least one structural web member (the parts extending between the top and bottom) extending between the elongate structural members, the elongate structural members having at least one web element (27, better shown in figure 4) which is substantially upright and at least one flange element (the part connecting to part 27 at top figure 4) which is perpendicular to the web element, the at least one web structural member having at least one web element (the web of the U-shape of part 29 and 28) which is substantially upright, the at least one web element of the web structural member mate with the at least one web elements of the elongate structural members such that connection means can be applied at the mating locations, the elongate structural members resemble an inverted top hat section with two said flange elements and two web elements with a third web element (the web connecting parts 27 together) perpendicular to and adjoining the two web elements (27, figure 4), the third web elements of at least said elongate structural members being discontinuous (at 43a-c), the longitudinal central axes of the structural members and at least one

of the structural web members being substantially aligned, the elongate structural web members (28) being perpendicular to the elongate structural members, the structural members being substantially parallel, the structural members being substantially in the same plane and form a triangular framework geometry, the flanges of the structural members are extended and overbent flange stiffening elements, the floor system being stiffened by at least one stiffening member (14) oriented substantially perpendicular to the longitudinal axes of the structural members, the structural web members being diagonal to the structural members the structural members being substantially in the same plane and form a trapezoidal framework geometry.

Nelson does not show the web structural members having at least one flange element which is perpendicular to the web element.

Stromback discloses a web structural member (19) having a vertical web (3) and at least one flange element (the top part, figure 4) which is perpendicular to the web element.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Nelson's web structural members to show at least one flange element which is perpendicular to the web element as taught by Stromback because it would have been an obvious matter of engineering design choice to choose structural member having a U-shape or a structural member having a box shape to providing webbing support for a frame as they both function the same to provide structural support for the frame.

Per claims 4-6, 8 Nelson as modified shows the elongate structural web members resemble an inverted top-hat section with two said flange elements and two said web elements with a third web element perpendicular to and adjoining the two said web elements, the structural web members resemble a box section with a slit in one side with two said flange elements being

separated by the slit, at least one of the elongate structural web members being bent into a vee profile.

13. Claims 17-19, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson (4878323) in view of Stromback (982545).

Nelson (figure 14) a floor framing system including a plurality of elongate load bearing framework members which are supported by the building or foundations thereof, the framework members having at least two elongate structural members (50), and at least one structural web member (the parts extending between the top and bottom) extending between the elongate structural members, the elongate structural members having at least one web element (27, better shown in figure 4) which is substantially upright and at least one flange element (the part connecting to part 27 at top figure 4) which is perpendicular to the web element, the at least one web structural member having at least one flange element (the web of the U-shape of part 29 and 28) which is substantially upright, the at least one flange element of the web structural member mate with the at least one web elements of the elongate structural members such that connection means can be applied at the mating locations, the elongate structural members resemble an inverted top hat section with two said flange elements and two web elements with a third web element (the web connecting parts 27 together) perpendicular to and adjoining the two web elements (27, figure 4), the third web elements of at least said elongate structural members being discontinuous (at 43a-c), the longitudinal central axes of the structural members and at least one of the structural web members being substantially aligned, the elongate structural web members (28) being perpendicular to the elongate structural members, the structural members being substantially parallel, the structural members being substantially in the same plane and form a

triangular framework geometry, the flanges of the structural members are extended and overbent flange stiffening elements, the floor system being stiffened by at least one stiffening member (14) oriented substantially perpendicular to the longitudinal axes of the structural members,

Nelson does not show the web structural members having at least one web element which is perpendicular to the web element.

Stromback discloses a web structural member (19) having a vertical flange (3) and at least one web element (the top part, figure 4) which is perpendicular to the flange element.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Nelson's web structural members to show at least one web element which is perpendicular to the flange element as taught by Stromback because it would have been an obvious matter of engineering design choice to choose structural member having a U-shape or a structural member having a box shape to providing webbing support for a frame as they both function the same to provide structural support for the frame.

Per claims 18-19, Nelson as modified shows the elongate structural web members resemble an inverted top-hat section with two said flange elements and two said web elements with a third web element perpendicular to and adjoining the two said web elements.

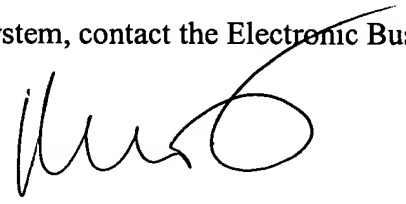
Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art shows different floor framing systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 703-306-9136. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Phi Dieu Tran A

9/28/04